

STATUS OF CLAIMS

Claims 1-10 are pending.

Claims 1-5 and 10 stand rejected.

Claims 2 and 6-9 stand objected to.

Claims 1 and 9 have been amended without prejudice herein.

REMARKS

Reconsideration of this application is requested.

Allowable Subject Matter

Applicant again acknowledges that Claims 6-8 are indicated to be allowable if rewritten in independent form to recite all of the limitations of the base claim, and any intervening claims, upon which they rely.

Claim Objections

Claims 2 and 9 stand objected to because it is unclear whether they referred to the same object or different objects. In response thereto, and without prejudice, Applicant has amended Claim 9 to refer to "the at least one flexible member" of Claim 2.

In view of the foregoing, Applicant submits the objections to Claims 2 and 9 have been overcome, and respectfully requests reconsideration and removal thereof.

35 U.S.C. 102 and 103 Rejections

Claims 1-4 stand rejected under 35 U.S.C. 102(b) as being anticipated by Karkau (United States Patent No. 5,361,524). Claims 2, 3, 5 and 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Karkau in view of Cocho (United States Patent No. 1,681,172). Claim 10 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Karkau in view of Cocho, and further in view of Fegley (United States Patent No. 4,454,963). Applicant respectfully traverses these rejections for at least the following reasons.

35 U.S.C. 102(b) recites:

A person shall be entitled to a patent unless - (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States

Consistently, a claim is anticipated pursuant to 35 U.S.C. 102 only if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See, *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). In other words, in order for a prior art reference to anticipate a claim, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). And, each of the claim elements must be arranged as required by the claim. See, *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Karkau fails to disclose, teach or suggest each of the limitations of present Claim 1.

Amended Claim 1 recites:

A system for projecting light elements in the air, comprising:

- ...
- a shoulder blocking the slide with respect to the casing in a stop position;
- a compressed gas cartridge being slid along with the slide, wherein when the spring slides the slide until it is blocked in the stop position, the kinetic energy of the compressed gas cartridge then projects the compressed gas cartridge against the striker to be opened by the striker; and
- a channel for leading the gases released on opening of the cartridge towards the reservoir. (emphasis added)

Support for such limitations can be found throughout the application as originally filed. For example, Figs. 1 and 2 of the subject application illustrate such a configuration. Further, such a configuration is discussed: at page 7, in lines 1-3, wherein it teaches, "[s]pring 46 then abruptly releases and drives slide 48 which moves axially"; at page 7, in lines 8-10, wherein it teaches, "[o]pening 13 comprises a shoulder 93"; at page 7, in lines 22-25, wherein it teaches, "a compressed gas cartridge 72 is introduced into cavity 52 of slide 48"; and on page 8, in lines 3-7, wherein it teaches, "[w]hen collar 56 of slide

48 stops against shoulder 93, slide 48 abruptly stops. Cartridge 72 is then projected against striker 30. The kinetic power acquired by cartridge 72 is sufficient to cause the opening of cartridge 72 in the shock with striker 30." Accordingly, no new matter has been added.

Karkau fails to disclose, teach or suggest such a limitation. The Office action argues that Karkau teaches, "a shoulder (112) in the opening blocking the slide with respect to the casing in a stop position." See, *11/13/2006 Office action, pp. 2-3, par. 2*. A detailed review of this reference shows that in such a stop position, the Karkau cartridge is not further projected against a striker and opened by the kinetic energy of the cartridge – as is now recited by Claim 1.

Instead, column 5, lines 19-25 of Karkau teach that the slide 50 constantly pushes the cartridge 82 in its forwardmost position, even after the piercing of the cartridge 82. This means that the slide 50 follows the cartridge 82 during its entire movement since it is in contact with the cartridge 82 when the cartridge impacts with the striker 90. This could not be the case if the slide 50 was stopped at the forward end 112 of the slot 32 and the gas cartridge 82 was then projected against the striker 90 by its kinetic energy.

Further, as can be seen in Fig. 1 of Karkau, safety band 100 is rotated so that it does not block the firing bolt 30 and the firing bolt 30 is shown in the position it occupies after the cartridge 82 has impacted the striker 90. In this position, the firing bolt 30 is not shown in contact with the forward end 112 of the slot 32, which means that the slide 50 has stopped before the firing bolt 30 has reached the forward end 112 of the slot 32. If the claimed structure was present, the firing bolt 30 should be in contact with the forward end 112 of the slot 32. Moreover, in Figure 2, when one considers that the handle portion 12 is screwed in the handling portion 14, the stroke of the firing bolt 30 between the position shown on Figure 2 and the position it would occupy in contact with the forward end 112 is higher than the sum of the distance between the forward end of the slide 50 and the backward end of the cartridge 82 and the distance between the piercing pin 90 and the forward end 83 of the cartridge 82.

This means that when the cartridge 82 reaches the piercing pin 90, the slide 50 is still in contact with the cartridge 82.

Therefore, it is clear that Karkau neither teaches nor suggests a system for projecting light elements into the air wherein "when the spring slides the slide until it is blocked in the stop position, the kinetic energy of the compressed gas cartridge then projects the compressed gas cartridge against the striker to be opened by the striker" – as is recited by Claim 1.

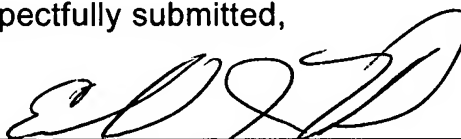
In view of the foregoing, Applicant submits that Karkau fails to disclose, teach or suggest each of the features and limitations of independent Claim 1. Reconsideration and removal of this 35 U.S.C. § 102 rejection is respectfully requested. Reconsideration and removal of the remaining rejections are also requested, at least by virtue of each rejected claim's ultimate dependence upon a patentably distinct base Claim 1.

CONCLUSION

Applicant believes he has addressed all outstanding grounds raised by the Examiner and respectfully submits the present case is in condition for allowance, early notification of which is earnestly solicited.

Should there be any questions or outstanding matters, the Examiner is cordially invited and requested to contact Applicant's undersigned attorney at his number listed below.

Respectfully submitted,



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